ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, the Mortgage Lender and Broker Act of 1996 to provide for the District of Columbia's compliance with Title V of the Housing and Economic Recovery Act of 2008 by adding new definitions, providing for a new exemption, providing a new licensing category, providing new bases for application denial, providing for fees and other assessments to be set by rulemaking, authorizing the Commissioner of the Department of Insurance, Securities, and Banking to contract with third parties to collect fees and administer tests related to the licensing of mortgage brokers, lenders and loan originators, and conforming other sections with the new licensing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mortgage Lender and Broker Emergency Amendment Act of 2008".

Sec. 2. The Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), is amended as follows:

Note, § 26-1101

(a) Section 2 (D.C. Official Code § 26-1101) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "to be occupied by the borrower as the borrower's primary residence".

(2) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "Clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"(1B) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.".

(3) New paragraphs (2A), (2B), and (2C) are added to read as follows:

"(2A) "Conference of State Bank Supervisors" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign banks.

"(2B) "Depository institution" shall:

"(A) Have the same meaning as provided in section 3 of the Federal Deposit Insurance Act, approved September 21, 1950 (64 Stat. 873; 12 U.S.C. § 1813); and

"(B) Include any credit union.

"(2C) "Federal banking agency" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation.".

(4) Paragraph (5)(A) is amended by striking the phrase "to be occupied by the borrower".

(5) A new paragraph (5A) is added to read as follows:

"(5A) "Independent contractor" means an individual who is required to obtain and maintain a license under this act to engage in residential mortgage loan origination activities as a loan processor or underwriter.".

(6) Paragraph (7) is amended by striking the phrase "mortgage lender" and inserting the phrase "mortgage loan originator, loan officer, mortgage lender" in its place.

(7) Paragraph (8) is amended by striking the phrase "mortgage lender" and inserting the phrase "mortgage loan originator, loan officer, mortgage lender" in its place.

(8) A new paragraph (9A) is added to read as follows:

"(9A) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee of and at the direction of, and subject to the supervision and instruction of, a person licensed, or exempt from licensing, under this act.

(9) Paragraph (12) is amended to read as follows:

"(12) "Mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(v) of the Truth in Lending Act, approved May 29, 1968 (82 Stat. 147; 15 U.S.C. § 1602(v)), or residential real estate upon which is constructed, or intended to be constructed, a dwelling.".

(10) New paragraphs (12A-i), (12A-ii), and (12A-iii) are added to read as follows:

"(12A-i)(A) "Mortgage loan originator" or "loan officer" means an individual who:

"(i) Takes a residential mortgage application;

"(ii) Offers or negotiates terms of a residential mortgage loan; or

"(iii) Solicits, or offers to solicit, a mortgage loan on behalf of a borrower for compensation or gain.

"(B) The term shall not include:

"(i) An individual who is not otherwise described in subparagraph (A) of this paragraph;

"(ii) An individual or entity solely involved in extension of credit

relating to timeshare plans, as defined in 11 U.S.C. § 101(53D).

"(iii) An individual who only performs real estate brokerage activities and is licensed or registered in accordance with District of Columbia law, unless the person is compensated by a mortgage lender, a mortgage broker, mortgage loan originator, or loan officer, or by any agent of a mortgage lender, mortgage broker, mortgage loan originator, or loan officer.

"(12A-ii) "Mortgage uniform licensing form" means the SSR application form for mortgage brokers, mortgage lenders, and mortgage loan originators approved by the Commissioner.

"(12A-iii) "Nationwide Mortgage Licensing System and Registry" or "NMLSR" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators, mortgage lenders, mortgage brokers, and loan officers.".

(11) New paragraphs (15A) and (15B) are added to read as follows:

"(15A) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including;

"(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

"(B) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

"(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

"(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

"(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C), or (D) of this paragraph.

"(15B) "Registered mortgage loan originator" or "Registered loan officer" means any individual who is:

"(A) A mortgage loan originator or loan officer;

"(B) An employee of:

"(i) A depository institution;

"(ii) A subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

"(iii) An institution regulated by the Farm Credit Administration; and

"(C) Registered with, and maintains a unique identifier through, the NMLSR.".

(12) Paragraph (16) is repealed.

(13) A new paragraph (16A) is added to read as follows:

"(16A) "SRR" means the limited liability corporation which owns and operates the NMLSR.".

(14) New paragraphs (17A) and (17B) are added to read as follows:

"(17A) "Takes a residential mortgage loan application" means:

"(A) Recording the borrower's application information in any form for use in a credit decision; or

"(B) Receiving the borrower's application information in any form for use in a credit decision.

"(17B) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.".

(b) Section 3 (D.C. Official Code § 26-1102) is amended as follows: Note, § 26-1102

(1) Paragraph (10) is amended by striking the phrase "; and" at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (11) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

(3) A new paragraph (12) is added to read as follows:

"(12) Persons acting as registered mortgage loan originators, when acting for a federal banking agency.".

(c) Section 4 (D.C. Official Code § 26-1103) is amended as follows: Note, § 26-1103

(1) Subsection (a) is amended to read as follows:

"(a)(1) No person shall engage in business as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, unless such person has first obtained a license under this act. Each licensee shall register with and maintain a valid unique identifier issued by the NMLSR.

"(2) Each independent contractor loan processor or underwriter licensed as a mortgage loan originator shall have, and maintain, a valid unique identifier issued by the NMLSR.

"(3) An individual engaging solely in loan processor or underwriting activities, who does not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator shall not be required to obtain and maintain a license under this act.".

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

"(1) Engage in business as a mortgage loan originator, loan officer, mortgage

lender, or mortgage broker;".

(B) Paragraph (3) is amended to read as follows:

"(3) Meet the minimum liquidity and capital requirements as prescribed by the Commissioner.".

(3) A new subsection (c-1) is added to read as follows:

"(c-1) The Commissioner shall deny an application if the applicant has:

"(1) Had a mortgage loan originator license revoked by any governmental jurisdiction;

"(2) Been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the 7-year period preceding the date of the application for licensing and registration; or

"(3) At any time preceding such date of application, been convicted of, or pled guilty or nolo contendere to a felony, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering.".

(4) Subsection (d)(1) is amended to read as follows:

"(1) Complete and sign an application made under oath on the form that the Commissioner requires.".

(5) Subsection (e)(7) is amended to read as follows:

"(7) Whether the applicant seeks a license to act as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof; and".

(6) Subsection (f) is amended to read as follows:

"(f) With each application for licensure, the applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees.".

(7) Subsection (h) is amended as follows:

(A) Paragraph (2) is amended by striking the word "and" at the end of the paragraph.

(B) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(C) Paragraph (3) is amended as follows:

(i) Designate the existing text as subparagraph (A).

(ii) A new subparagraph (B) is added to read as follows:

"(B) The applicant shall demonstrate that the applicant has met net worth and surety bond requirements or, as prescribed by the Commissioner, paid into a District of Columbia fund.".

(D) New paragraphs (4) through (6) are added to read as follows:

"(4) Meet educational requirements prescribed by the Commissioner;

"(5) Provide proof of compliance with pre-licensure testing and post-licensure continuing education requirements as prescribed by the Commissioner; and

"(6) Comply with any other provision prescribed by the Commissioner.".

(8) A new subsection (h-1) is added to read as follows:

"(h-1) The Commissioner shall require, by rule, that an applicant, and any such other person as the Commissioner considers appropriate, applying for licensure under this act, submit his name, contact information and other identifying information, fingerprints, written consent to a criminal background check, an independent credit report, and information related to any administrative, civil, or criminal findings by any governmental jurisdiction with the applicant's application. For the purposes of this act, the Commissioner may use the NMLSR as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source so directed by the Commissioner.".

(9) Subsection (i) is amended as follows:

(A) Subparagraph (1)(A) is amended by striking the phrase "mortgage lenders or mortgage brokers" and inserting the phrase "mortgage lenders, mortgage brokers, mortgage loan originators, or loan officers" in its place.

(B) Paragraphs (2) through (4) are repealed.

(C) A new paragraph (6) is added to read as follows:

"(6) Surety bond requirements shall be prescribed by the Commissioner.".

(d) Section 5 (D.C. Official Code § 26-1104) is amended as follows: Note, § 26-1104

(1) Subsection (c) is amended by adding a new sentence at the end to read as follows:

"To assist in the performance of the Commissioner's duties under this act, the Commissioner may contract with a third party, including the SRR, the Conference of State Bank Supervisors, or its affiliates or subsidiaries, to perform any functions, including the collection of licensing and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations related to mortgage loan originator, loan officer, mortgage lender, or mortgage broker activities, that the Commissioner may consider appropriate.".

(2) Subsection (d)(1) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(e) Section 8(d) (D.C. Official Code § 26-1107(d)) is amended as follows: Note, § 26-1107

(1) Paragraphs (1) and (2) are repealed.

(2) New paragraphs (3) and (4) are added to read as follows:

"(3) With each renewal application, the applicant shall demonstrate that the applicant continues to meet the minimum standards for license issuance under this act and that the applicant has satisfied the annual continuing education requirements under this act.

"(4) With each renewal application, the applicant shall pay all applicable fees and assessments as prescribed by the Commissioner and all third-party fees.". Note, § 26-1109

(f) Section 10(d) (D.C. Official Code § 26-1109(d)) is amended by striking the phrase "mortgage broker" and inserting the phrase "independent contractor or mortgage broker" in its

place.

(g) Section 13 (D.C. Official Code § 26-1112) is amended by adding new subsections (f), (g), (h), and (i) to read as follows: Note, § 26-1112

"(f) To carry out the purposes of this section, the Commissioner may do any of the following:

"(1) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

"(2) Enter into agreements or relationships with other government officials or regulatory associations to improve efficiencies and reduce regulatory burdens by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section;

"(3) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this act;

"(4) Accept and rely on examination or investigation reports made by other government officials within or without the District of Columbia;

"(5) Accept audit reports made by an independent certified public accountant for the licensee, or person subject to this act, in the course of an examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Commissioner;

"(6) Assess the licensee, or person subject to this act, the cost of the services in paragraph (1) of this subsection.".

"(g) This section shall remain in effect whether such licensee, or person subject to this act, acts or claims to act under any licensing or registration law of the District of Columbia, or claims to act without such authority.

"(h) No licensee, or person subject to investigation or examination under this section, shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

"(i) All examination fees shall be prescribed by the Commissioner.".

(h) Section 14 (D.C. Official Code § 26-1113) is amended as follows: Note, § 26-1113

(1) Subsection (a)(1) is amended by striking the phrase "to be occupied by the borrower".

(2) Subsection (a-1) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

"(a-1)(1) Within 3 business days of an application for a non-conventional mortgage loan, the licensee shall provide to the borrower the written disclosures executed by the lender that are required under this section.".

(B) Paragraph (3)(J) through (L) are amended to read as follows:

"(J) $_____/month = Your principal + initial interest + taxes and

insurance.

"(K) $_____/month = Your principal + adjusted interest + taxes and insurance.

"(L) $_____/month = Your principal + maximum interest + taxes and insurance.".

(C) Paragraph (9) is amended to read as follows:

"(9) Within 5 business days of receiving the information pursuant to this section, the borrower may cancel the application for a mortgage loan with no loss of any security deposit or any other funds applied to guarantee an interest rate, not including reasonable fees incurred to process the application. The borrower shall be notified of this right to cancel at the time the information pursuant to this section is provided.".

(i) Section 15 (D.C. Official Code § 26-1114) is amended as follows: Note, § 26-1114

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "mortgage broker or lender" wherever it appears and inserting the phrase "mortgage broker, mortgage lender, mortgage loan originator, or loan officer" in its place.

(B) Paragraph (11) is amended to read as follows:

"(11) Engage in the business as a mortgage loan originator, mortgage lender, loan officer, or mortgage broker, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, or mortgage broker, without a license under section 5 or without an exemption under section 3.".

(2) A new subsection (d) is added to read as follows:

"(d) A mortgage loan originator or loan officer required to be licensed under this act shall not:

"(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

"(2) Engage in any unfair or deceptive practice toward any person;

"(3) Obtain property by fraud or misrepresentation;

"(4) Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this act may earn a fee or commission through "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

"(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

"(6) Assist or aid or abet any person in the conduct of business under this act without a valid license as required under this act;

"(7) Fail to make disclosures as required by this act and any other applicable federal or District law, including regulations thereunder;

"(8) Fail to comply with this act or rules promulgated under this act, or fail to comply with any other federal or District law, including the rules and regulations thereunder,

applicable to any business authorized or conducted under this act,

"(9) Make, in any manner, any false or deceptive statement or representation, including with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising;

"(10) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the NMLSR or in connection with any investigation conducted by the Commissioner or another governmental agency;

"(11) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

"(12) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this act;

"(13) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; or

"(14) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.".

(j) Section 17 (D.C. Official Code § 26-1116) is amended as follows: Note, § 26-1116

(1) The lead-in text is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(2) Paragraph (2) is amended by striking the phrase "lender or broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(k) Section 19(b)(2) (D.C. Official Code § 26-1118(b)(2)) is amended by striking the phrase "$1,000" and inserting the phrase "$25,000" in its place. Note, § 26-1118

(l) Section 21 (D.C. Official Code § 26-1120) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place. Note, § 26-1120

(m) New sections 22a, 22b, and 22c are added to read as follows:

" Sec. 22a. Confidential information.

"(a) To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

"(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with other local, state, federal, and international regulatory agencies, with the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or with state, federal, and international law

enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

"(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, from the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or from regulatory and law enforcement officials of foreign or other domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

"(3) Enter into agreements with the entities set forth in paragraph (1) of this subsection governing sharing and use of information consistent with the act; or

"(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLSR, and other information with, and receive criminal history record information from, the NMLSR, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure under this act.

"Sec. 22b. Nationwide Mortgage Licensing System and Registry reporting requirements.

"(a) The Commissioner shall regularly report violations of this act, as well as enforcement actions and other relevant information, to the NMLSR. The reports shall be subject to the provisions of section 22a.

"(b) Each licensee shall submit to the NMLSR reports of condition, which shall be in such form and shall contain such information as the NMLSR may require.

"Sec. 22c. Nationwide Mortgage Licensing System and Registry information challenge process.

"The Commissioner shall establish a process whereby licensees may challenge information entered into the NMLSR by the Commissioner.".

Sec. 3. Applicability.

Except for section 2(c)(1), (g), (j), and (l), this act shall not apply until the Commissioner of the Department of Insurance, Securities, and Banking ("Commissioner") has promulgated rules implementing this act. The mortgage loan originator requirements shall not apply until such time as the District of Columbia, through the Commissioner, has become a part of the Nationwide Mortgage Licensing System and Registry ("NMLSR") and the NMLSR is operational to receive and process applications for licensing of District of Columbia loan originators or by December 31, 2009, whichever is later.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Litter Control Administrative Act of 1985 to require pedestrians stopped by a police officer or other authorized official to inform the officer or official of his or her true name and address and to require the Mayor to provide the Council with annual statistics on the number of tickets issued and dismissed for violations of anti-littering regulations; to amend the District of Columbia Traffic Adjudication Act of 1978 to increase the fine to a pedestrian who refuses to provide an accurate name and address to a police officer after being stopped for jay walking; and to amend Title 18 of the District of Columbia Municipal Regulations to establish an offense for littering from vehicles and to provide a fine for that offense.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Littering Amendment Act of 2008".

Sec. 2. The Litter Control Administrative Act of 1985, effective January 28, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*), is amended as follows:

Amend § 8-802

(a) Section 3(a)(1) (D.C. Official Code § 8-802(a)(1)) is amended by striking the phrase "§§ 2407.12 and 2407.13" and inserting the phrase "§§ 2221.6, 2407.12, and 2407.13" in its place.

(b) New sections 12 and 13 are added to read as follows:

"Sec. 12. Identification of offenders.

"(a) A person who is stopped by a police officer or other officials authorized by the Mayor to enforce the regulations listed in section 3(a)(1) after the person has committed a violation of these regulations shall be required to inform the officer or other authorized official of his or her true name and address for the sole purpose of including that information on a notice of violation; provided, that no person shall be required to possess or display any documentary proof of his or her name or address in order to comply with the requirements of this section.

"(b) A person who refuses to provide his or her true name and address to a police officer or other officials authorized by the Mayor to enforce the regulations listed in section

3(a)(1) upon request after having been stopped for committing a violation of these regulations shall, upon conviction, be fined not less than $100 nor more than $250.

"Sec. 13. Annual reporting requirement.

"(a) The Mayor shall submit to the Council statistics on the number of notices of infractions and violations issued for violation of regulations listed in section 3(a)(1), and the number of notices subsequently dismissed.

"(b) The statistics shall identify, by Metropolitan Police Department district, the number of notices issued and dismissed.

"(c) Statistics shall be provided on a calendar-year basis and shall be transmitted to the Council by January 31st, with the first report due January 31, 2010.".

Amend § 50-2303.07

Sec. 3. Section 3 of the District of Columbia Traffic Adjudication Act of 1978, effective October 8, 1981 (D.C. Law 4-36; D.C. Official Code § 50-2303.07), is amended by striking the phrase "not less than ten dollars ($10) nor more than fifty ($50) dollars." and inserting the phrase "not less than $100 nor more than $250." in its place.

DCMR

Sec. 4. Section 2221 of Title 18 of the District of Columbia Municipal Regulations is amended by adding a new subsection 2221.6 to read as follows:

"2221.6. No person shall dispose or cause or allow the disposal of litter from a vehicle upon any public or private property. Litter shall include all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.".

DCMR

Sec. 5. Subsection 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended by adding to the table, after the infraction for "**Lights,**" a new infraction to read as follows:

"**Littering**

"From a vehicle upon public or private property (§ 2221.6) . . . .$100.00".

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the District of Columbia Revenue Act of 1937 to allow for the occasional pleasure driving of historic vehicles; and to amend Title 18 of the District of Columbia Municipal Regulations to provide for periodic odometer checks of historic vehicles used for occasional pleasure driving and to provide for a penalty for exceeding the maximum occasional pleasure driving permitted by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Motor Vehicle Amendment Act of 2008".

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

Amend § 50-1501.01

(a) Section 1 (D.C. Official Code § 50-1501.01) is amended as follows:

(1) A new subsection (j-1) is added to read as follows:

"(j-1) The term "class F(I) historic motor vehicle" means any motor vehicle whose manufacturer's model year is at least 25 years old or any motor vehicle which is at least 15 years old and is a make of motor vehicle no longer manufactured; provided, that the motor vehicle has been or is being restored, preserved, or maintained as an exhibition or collector's item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer's original specifications and is used on the public highways for the transportation of passengers or property for occasional pleasure driving or in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to or from such activities or events, not exceeding a total driving mileage under all conditions of 1,000 miles annually, but in no event used for general transportation. Motor vehicles which are less than 25 years old but which are 15 or more years old and which qualify as historic motor vehicles shall include the following makes, which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker and Packard.".

(2) Subsection (k) is amended by striking the phrase "historic motor vehicle" and inserting the phrase "class F(II) historic motor vehicle" in its place.

Amend § 50-1501.03

(b) Subsection 3(b) (D.C. Official Code § 50-1501.03(b)) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (1) is amended by striking the phrase "passenger vehicle" and inserting the phrase "passenger vehicle, including a motor vehicle classified by the Mayor or his or her designated agent as a class F(I) historic motor vehicle which meets the criteria established under section 1(j-1)" in its place.

(2) Paragraph (6) is amended by striking the phrase "an historic motor vehicle" and inserting the phrase "a class F(II) historic motor vehicle" in its place.

Sec. 3. Title 18 of the District of Columbia Municipal Regulations is amended as follows: DCMR

(a) Section 601 is amended as follows:

(1) Subsection 601.4(j) is amended to read as follows:

"(j) Vehicle registered as a class F(I) historic motor vehicle: one (1) time, at time of registration, plus an inspection limited to confirming the odometer reading every two (2) years;"

(2) Subsection 601.4(k) is amended to read as follows:

"(k) Vehicle registered as a class F(II) historic motor vehicle: one (1) time, at time of registration; and".

(3) A new subsection 601.4(l) is added to read as follows:

"(l) All other motor vehicles: every two (2) years.".

(b) Section 701 is amended by adding a new subsection 701.7 to read as follows:

"701.7 A vehicle registered as a class F(I) historic motor vehicle that exceeds the maximum mileage limits set forth in D.C. Official Code § 50-1501.01(j-1) shall have its registration suspended for a period of two (2) years or until such time as the owner registers the vehicle as a different class of vehicle, whichever is shorter. Such a vehicle shall not be registered as a class F(I) historic motor vehicle or class F(II) historic motor vehicle for a period of at least two (2) years from the date that its registration was suspended.".

Sec. 4. Fiscal impact statement.

The Council adopts the December 1, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22,2008

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

AN ACT

D.C. ACT 17-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

To amend the Access to Emergency Medical Services Act of 1998 to require that health insurers provide health insurance benefits to cover the cost of a voluntary HIV test performed during an insured's visit to a hospital emergency department, irrespective of the reason for the hospital emergency department visit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Insurance Coverage for Emergency Department HIV Testing Amendment Act of 2008".

Sec. 2. The Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2801 *et seq.*), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Emergency department HIV screening.

"(a) For the purposes of this section, the term:

"(1) "Health benefit plan," "health insurer," and "insured" shall have the same meanings as provided in section 2 of the Diabetes Health Insurance Coverage Expansion Act of 2000, effective October 21, 2000 (D.C. Law 13-175; D.C. Official Code § 31-3001).

"(2) "HIV screening test" shall mean the testing for the human immunodeficiency virus or any other identified causative agent of the acquired immune deficiency syndrome by:

"(A) Conducting a rapid-result test by means of the swabbing of a patient's gums, finger-prick blood test, or other suitable rapid-result test; and

"(B) If the result is positive, conducting an additional blood test for submission to a laboratory to confirm the results of the rapid-result test.

"(b) A health benefit plan shall reimburse the cost of a voluntary HIV screening test performed on its insured while the insured is receiving emergency medical services, other than HIV screening, at a hospital emergency department, whether or not the HIV screening test is necessary for the treatment of the medical emergency which caused the insured to seek emergency services.

"(c) The benefits mandated by subsection (b) of this section shall:

"(1) Include at least one annual emergency department HIV screening test;

"(2) Reimburse the costs of administering such a test, all laboratory expenses to analyze the test, and the costs of communicating to the patient the results of the test and any applicable follow-up instructions for obtaining health care and supportive services; and

"(3) Not be subject to any annual or coinsurance deductible or any co-payment other than the co-payment that the insured would have to pay for the applicable hospital emergency department visit.

"(d) A representative of the emergency department of a hospital that provides emergency department HIV screening shall advise any patient between 13 and 64 years of age:

"(1) That unless a patient, or in the case of a minor, the patient's parent, legal guardian, or other person authorized to make health care decisions for the minor, chooses to withhold consent, an HIV screening test will be performed at the time he or she receives emergency medical treatment;

"(2) That, if the patient is covered by a health benefit plan issued by a health insurer, the cost of at least one annual emergency department HIV screening test is a covered benefit;

"(3) That the test results are confidential, except that a positive test result will be reported to the Department of Health for statistical and public health purposes; and

"(4) In the case of a positive test result, where the patient may obtain appropriate health care and supportive services.

"(e) A health insurer shall not:

"(1) Require an insured or applicant for insurance to pay a higher deductible, copayment, or coinsurance, require a longer waiting period, or impose any other condition for coverage of benefits solely because an insured or applicant for insurance used the benefits covered by this section;

"(2) Refuse to issue a health benefit plan solely because an applicant may use the benefits covered by this section; or

"(3) Cancel or refuse to renew a health benefit plan solely because an insured has used the benefits covered by this section.

"(f) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22,2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, to authorize the Mayor to enter into mutual aid agreements for debris removal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Debris Removal Mutual Aid Amendment Act of 2008".

Amend § 8-704

Sec. 2. The 2nd sentence of the 3rd paragraph under the subheading "Streets." of the heading "District of Columbia." of An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, approved July 11, 1919 (41 Stat. 39; D.C. Official Code § 8-704), is amended to read as follows:

"Sec. 2. Collection and disposal of refuse authorized as municipal function; purchase or lease of facilities; sale of products; gratuities prohibited; authorization to enter into mutual aid agreements for debris removal.

"(a) For the purposes of this section, the term:

"(1) "Debris removal operations" means:

"(A) Actions contributing to the removal of debris, including the collection, pick-up, hauling, and storage of debris at a temporary site;

"(B) Segregation, reduction, and final disposal of debris;

"(C) Providing personnel, equipment, parts, or fuel for equipment for debris removal;

"(D) Travel to the site where debris removal is needed; or

"(E) Support for any of the foregoing.

"(2) "Emergency" shall have the same meaning as provided in section 7302(a)(3) of the Intelligence Reform and Terrorism Protection Act of 2004, approved December 17, 2004 (Pub. L. 108-458; 118 Stat. 3340).

"(3) "Public service event" shall have the same meaning as provided in section 7302(a)(9) of the Intelligence Reform and Terrorism Protection Act of 2004, approved December 17, 2004 (Pub. L. 108-458; 118 Stat. 3840).

"(4) "Training" shall have the same meaning as provided in section 7302(a)(11) of the Intelligence Reform and Terrorism Protection Act of 2004, approved December 17, 2004 (Pub. L. 108-458; 118 Stat. 3841).

"(b) The Mayor of the District of Columbia is authorized, if in his opinion such action shall be to the best interests of the District of Columbia, after July 11, 1919, to conduct any or all of the operations involved in the collection and disposal of city refuse of every kind as municipal functions, and for that purpose to purchase or lease the necessary plants, buildings, and land, to purchase or hire horses and horse-drawn vehicles, passenger-carrying and other motor-propelled vehicles, equipment, and machinery, and to employ expert and other personal services, and labor, and to pay traveling, maintenance, incidental, and contingent expenses; provided, that products arising from such operations conducted as authorized herein may be sold and the proceeds arising therefrom shall be paid for each fiscal year into the Treasury of the United States to the credit of the General Fund of the District of Columbia; provided further, that any or all operations herein authorized to be conducted as municipal functions may be put into effect as such upon the expiration of any of the contracts existing July 11, 1919, for the collection and disposal of city refuse or upon the failure of any of the contractors existing July 11, 1919, to properly perform the work covered by their contracts existing July 11, 1919; provided further, that it shall be unlawful for any employee of the District of Columbia engaged in the removal of garbage, ashes, miscellaneous refuse, dead animals, or night soil, or for any employee of a contractor doing such work for the District of Columbia, to accept any gift, except from his employer, in money or any other thing of value for any service performed in connection with the removal of city refuse as hereinbefore described; and it shall be unlawful for any person, firm, or corporation, except such employer, to pay or offer to pay, any money or to make any gift to any such employee for such service; that any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in a sum of not less than $5 nor more than $40 for each such offense.

"(c) The Mayor of the District of Columbia is authorized, if in his opinion such action shall be in the best interests of the District of Columbia, to conduct any or all of the operations involved in debris removal operations during a public service event, an emergency, or training, as municipal functions, and to enter into mutual aid agreements with neighboring jurisdictions, the federal government, and any agency of any neighboring jurisdiction or the federal government or a combination of the foregoing, for cooperation in the furnishing of debris removal operations during a public service event, an emergency, training, or for other purposes.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 22,2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Washington Metropolitan Area Transit Regulation Compact to allow the Commonwealth of Virginia to change the agency represented by its Commissioner on the board of the Washington Metropolitan Area Transit Commission, to allow the Mayor of the District of Columbia to select the agency to be represented by the Commissioner representing the District of Columbia on the Washington Metropolitan Area Transit Commission, and to provide that changes to the composition of the Washington Metropolitan Area Transit Commission shall not result in the removal from office of any current Commissioners before the expiration of their terms.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Commission Composition Amendment Act of 2008".

Amend § 9-1103.01

Sec. 2. Section 1 of Article III of Title I of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Official Code § 9-1103.01), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Strike the phrase "Virginia from the State Corporation Commission of the Commonwealth of Virginia" and insert the phrase "Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia" in its place.

(2) Strike the phrase "from the Public Service Commission of the District of Columbia" and insert the phrase "from a District of Columbia agency with oversight of matters relating to the Commission" in its place.

(b) A new subsection (d) is added to read as follows:

"(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date.".

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 22,2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to include construction code violations as bases for summary correction of life-or-health threatening conditions and to revise the service of process rules; to amend the Rental Housing Conversion and Sale Act of 1980 to extend relocation and storage expense assistance to displaced tenants while a condemnation proceeding is pending and to set the amount of relocation and storage expenses available to such tenants; to amend the Rental Housing Act of 1985 to clarify the Mayor's right to inspect housing accommodations and to apply for administrative search warrants to gain access where a landlord or tenant fails to cooperate with attempts at authorized inspections; to amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to add construction code violations as bases for the appointment of a tenant receivership, to remove the 50% limit on the amount of rent available for abatement actions by a receiver, to provide that a receiver may be ordered where a rental housing accommodation is operated in a manner that demonstrates a pattern of neglect for the property for 30 successive days, to provide that service of notices of violation may be effected by posting the notices in or about the property, and to provide that a court may in appropriate circumstances order a respondent to contribute funds in addition to amounts collected as rent for the abatement of housing code violations; and to amend Title 14 of the District of Columbia Municipal Regulations to permit civil and criminal sanctions for housing code violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008".

Sec. 2. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

ENROLLED ORIGINAL

(a) Section 1(c)(1) (D.C. Official Code § 42-3131.01(c)(1)) is amended by striking the phrase "housing regulation violations" and inserting the phrase "housing regulation violations or violations of the construction codes" in its place. Amend § 42-3131.01

(b) Section 3(3) and (4) (D.C. Official Code § 42-3131.03(3) and (4)) is amended to read as follows: Amend § 42-3131.03

"(3) If no such office can be found in the District by reasonable search, if forwarded by first-class mail to the last-known address of the person to be notified, or the person's agent, as determined by the tax records, business license records, or business entity registration records, and not returned by the post office authorities;

"(4) If no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by paragraph (3) of this section shall be returned by the post office authorities, if posted in a conspicuous place in or about the property affected by the notice; or.".

Sec. 3. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq*), is amended as follows:

(a) Section 302(b) (D.C. Official Code § 42-3403.02(b)) is amended by striking the phrase "is not required to pay more than $500 to the tenant" and inserting the phrase "is not required to pay more than $1,000 to the tenant" in its place. Amend § 42-3403.02

(b) Section 307(b)(2)(B) (D.C. Official Code § 42-3403.07(b)(2)(B)) is amended to read as follows: Amend § 42-3403.07

"(B) For relocation payments for tenants displaced from housing that is subject to proceedings under the provisions of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat.157; D.C. Official Code § 6-901 *et seq.*); provided, that:

(i) Relocation payments may include payments for 2 months of storage, security deposit, 1st month's rent, actual moving expenses, and other items incidental to the relocation as approved by the Office of the Tenant Advocate.

"(ii) To receive relocation payments, the tenant shall:

"(I) Be low-income;

"(II) Apply for the assistance; and

"(III) Reside or intend to reside within the District of Columbia after condemnation of the housing accommodation.

"(iii) The amount and method of relocation payments shall be determined by the Office of the Tenant Advocate.".

Sec. 4. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

ENROLLED ORIGINAL

Amend § 42-3509.07

(a) Section 907 (D.C. Official Code § 42-3509.07) is amended by striking the phrase "except titles III and V" and inserting the phrase "except titles III and V and section 908," in its place.

(b) A new section 908 is added to read as follows:

"Sec. 908. Inspection of rental housing.

"(a) Notwithstanding any other law or rule to the contrary, for the purpose of determining whether any housing accommodation is in compliance with applicable housing rules or construction code rules, the Mayor may enter upon and into any housing accommodation in the District, during all reasonable hours, to inspect the same; provided, that if a tenant of a housing accommodation does not give permission to inspect that portion of the premises under the tenant's exclusive control, the Mayor shall not enter that portion of the premises unless the Mayor has:

"(1) A valid administrative search warrant pursuant to subsection (d) of this section which permits the inspection; or

"(2) A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises to prevent an imminent danger to the public health or welfare.

"(b) Any person who shall hinder, interfere with, or prevent any inspection authorized by this act shall, upon conviction thereof, be punished by a fine not exceeding $100, by imprisonment for a period not exceeding 3 months, or both.

"(c) The Mayor may apply to a judge of the District of Columbia for an administrative search warrant to enter any premises to conduct any inspection authorized by subsection (a) of this section.

"(d) A judge may issue the warrant if the judge finds that:

"(1) The applicant is authorized or required by law to make the inspection;

"(2) The applicant has demonstrated that the inspection of the premises is sought as a result of:

"(A) Evidence of an existing violation of the housing regulations, codified in Title 14 of the District of Columbia Municipal Regulations, the construction codes, codified in Title 12 of the District of Columbia Municipal Regulations, or other law; or

"(B) A general and neutral administrative plan to conduct periodic inspections relating to issuance or renewal of housing business licenses or for conducting fire or life safety inspections;

"(3) The owner, tenant, or other individual in charge of the property has denied access to the property, or, after making a reasonable effort, the applicant has been unable to contact any of these individuals; and

"(4) The inspection is sought for health or safety-related purposes.".

ENROLLED ORIGINAL

Sec. 5. The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.01 *et seq.*), is amended as follows:

Amend § 42-3651.02

(a) Section 502 (D.C. Official Code § 42-3651.02) is amended to read as follows:

"Sec. 502. Grounds for appointment of a receiver.

"(a)(1) A receiver may be appointed if a rental housing accommodation has been cited by the Department of Consumer and Regulatory Affairs for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations or Title 12 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the health, safety, or security of the tenants; and

"(2) The owner, agent, lessor, or manager has been properly notified of the violation but has failed timely to abate the violations; provided, that proper notification shall be deemed to have been effected if a copy of the notice has been served pursuant to applicable law or rule, or as follows:

"(A) By personal service on the property owner, lessor, or manager or the agent thereof;

"(B) By delivering the notice to the last known home or business address of the property owner, lessor, manager, or agent as identified by the tax records, business license records, or business entity registration records, and leaving it with a person over 16 years of age residing or employed therein;

"(C) By mailing the notice, via first-class mail postage prepaid, to the last known home or business address of the property owner, lessor, manager, or agent as identified by the tax records, business license records, or business entity registration records; or

"(D) If the notice is returned as undeliverable by the post office authorities, or if no address is known or can be ascertained from the District's tax, business license, or business entity registration records, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

"(b) A receiver may also be appointed if a rental housing accommodation has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days and such neglect poses a serious threat to the health, safety, or security of the tenants. For purposes of this subsection, the term "pattern of neglect" includes all evidence that the owner, agent, lessor, or manager of the rental housing accommodation has maintained the premises in a serious state of disrepair, including vermin or rat infestation, filth or contamination, inadequate ventilation, illumination, sanitary, heating or life safety facilities, inoperative fire suppression or warning equipment, or any other condition that constitutes a hazard to its occupants or to the public.".

Amend § 42-3651.05

(b) Section 505 (D.C. Official Code § 42-3651.05) is amended by adding a new subsection (e) to read as follows:

"(e) As part of any order appointing a receiver, or in any plan for abatement presented by a respondent, the Court may, in appropriate circumstances, order that the respondent

ENROLLED ORIGINAL

contribute funds in excess of the rents collected from the rental housing accommodation for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health, safety, or security of the occupants or public are corrected.".

Amend § 42-3651.06

(c) Section 506(c)(1) (D.C. Official Code § 42-3651.06(c)(1)) is amended by striking the phrase "no more than one-half of".

DCMR

Sec. 6. Subsection 102.4 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 102.4), is amended to read as follows:

"102.4 Civil fines, penalties, and fees may be imposed as additional sanctions for any violation of this chapter or chapters 1 through 14 of this subtitle, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter or chapters 2 through 14 of this subtitle, shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.".

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated November 25, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the School Safety and Security Contracting Procedures Act of 2004 to require the School Safety Division of the Metropolitan Police Department to provide recommendations by July 31st of each year to the Mayor, the Council, and the Chancellor of the District of Columbia Public Schools regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang activity on the safety and well-being of children in District of Columbia Public Schools, and to require the School Safety Division to develop a plan for protecting children walking to and from school and for protecting children from gang and crew violence on, in, and around District of Columbia Public Schools property, and to provide the plan to the Mayor, the Council, and the Chancellor of the District of Columbia Schools by August 15th of each year; and to amend the School Proximity Traffic Calming Act of 2000 to require the District Department of Transportation to provide recommendations by July 31st of each year on the deployment of school crossing guards to the Mayor, the Council, the Chancellor of the District of Columbia Schools, and the Chief of the Metropolitan Police Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Safety and Security Contracting Amendment Act of 2008".

Sec. 2. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

Amend § 5-132.01

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

(1) Redesignate paragraph (1) as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

"(1) "Chancellor" means the Chancellor of the District of Columbia Public Schools.".

Amend § 5-132.02

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "an Assistant Chief" and inserting the phrase "a Commander or above" in its place.

(2) Subsection (c) is amended as follows:

(A) Paragraph (4) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (5) is amended by striking the phrase "Superintendent." and inserting the phrase "Chancellor; and" in its place.

(C) A new paragraph (6) is added to read as follows:

"(6) Provide recommendations to the Mayor, the Council, and the Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang activity on the safety and well-being of children.".

(3) A new subsection (d) is added to read as follows:

"(d)(1) The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from school and for protecting children from gang and crew violence on, in, and around DCPS property. Beginning in 2009, this plan shall be provided to the Mayor, the Council, and the Chancellor, by August 15th of each year.

"(2) The plan shall include a description of:

"(A) Safety issues children may face during passage to and from school, and recommended solutions to these issues; and

"(B) A description of specific gang and crew conflicts and recommended solutions for the protection of children from gang and crew violence on, in, and around DCPS property.

"(3) The plan shall incorporate the recommendations of the District Department of Transportation on the deployment of school crossing guards required under section 2(f-1) of the School Proximity Traffic Calming Act of 2000, effective May 23, 2000 (D.C. Law 13-111; D.C. Official Code § 38-3101(f-1)).".

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows: **Amend § 5-132.03**

(1) Paragraph (7) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (8) is amended by striking the phrase "ground." and inserting the phrase "grounds; and" in its place.

(3) A new paragraph (9) is added to read as follows:

"(9) Gang and crew violence prevention.".

Sec. 3. Section 2 of the School Proximity Traffic Calming Act of 2000, effective May 23, 2000 (D.C. Law 13-111; D.C. Official Code § 38-3101), is amended by adding a new subsection (f-1) to read as follows: **Amend § 38-3101**

"(f-1) Beginning in 2009, the District Department of Transportation shall provide, by July 31st of each year, recommendations to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, and the Chief of the Metropolitan Police Department on

ENROLLED ORIGINAL

the deployment of school crossing guards, taking into account the impact of school closings and reconfigurations, projected enrollment, traffic conditions, and all other relevant factors.".

Sec. 4. Fiscal impact statement.

The Council adopts the November 6, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Policemen and Firemen's Retirement and Disability Act to provide that the annuity of a retired member of the Metropolitan Police Department who dies during a particular month shall be due and payable to the date of death of the member.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retired Police Annuity Amendment Act of 2008".

Sec. 2. The Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *et seq.*), is amended as follows:

Amend § 5-716

(a) Section 12(k)(5)(A) and (B) (D.C. Official Code § 5-716(e)(1) and (2)) are amended by striking the phrase "first day of the month in which the member or former member dies" and inserting the phrase "the day after the date on which the member or former member dies" in its place.

Amend § 5-723

(b) Section 12(n) (D.C. Official Code § 5-723(a)) is amended by striking the phrase "such month" and inserting the phrase "such month, to include the month of death of the annuitant," in its place.

Sec. 3. Applicability.

This act shall apply as of January 1, 2009.

Sec. 4. Fiscal impact statement.

The Council adopts the October 21, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22,2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

To amend the Solid Waste Regulations to permit the Mayor to issue rules regarding the solid waste disposal fee schedule without the need for Council review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solid Waste Disposal Fee Amendment Act of 2008".

Sec. 2. Section 8-3:606(e)(iv) of the Solid Waste Regulations, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4157), is amended as follows: DCMR

(a) Subparagraph (B) is amended by striking the last 2 sentences.

(b) Subarparagraph (B-i) is repealed.

(c) Subparagraph (C) is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 22,2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

To symbolically designate V Street, N.W., from 13th Street, N.W., to 14th Street, N.W., in Ward 1, as Langston Hughes Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Langston Hughes Way Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council symbolically designates V Street, N.W., from 13th Street, N.W., to 14th Street, N.W., in Ward 1, as "Langston Hughes Way".

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
DECEMBER 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

To authorize the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2009 Tax Revenue Anticipation Notes Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2009, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2009, it may be necessary for the District to borrow to a sum not to exceed $500 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

ENROLLED ORIGINAL

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed $500 million is in the public interest.

Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed $500 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2009.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2009 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2009.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by

the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Offer considers necessary or appropriate to carry out the purposes of this act. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from the District income taxation of the interest on the notes (except estate, inheritance, and gift taxes).

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Chief Financial Officer shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2009, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2009 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the

extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b) and, if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2008, until September 30, 2009, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2009, through September 30, 2009, to provide for payment in full of the principal of and interest on the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2009, through September 30, 2009, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2009, the Chief Financial Officer shall review the current monthly cash flow projections of the District and, if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit

under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2009, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of $1 million during fiscal year 2009, subject to section 451 of the Home Rule Act, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official

Code § 47-351.01 *et seq.*), shall not apply to any contract which the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

(1) An investment or obligation of the District as represented by the notes;

(2) An investment or obligation or program of investment; or

(3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to the notes and Additional Notes issued pursuant to sections 471, 472, 475, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2009, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts, and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act, the provisions of section 7 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and

that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

(1) The stated maturity date of all outstanding notes and Additional Notes; or

(2) The date that an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Chief Financial Officer, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Chief Financial Officer to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Chief Financial Officer shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Chief Financial Officer also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

ENROLLED ORIGINAL

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

(a) Within 3 days after the Chief Financial Officer's receipt of the transcript of proceedings relating to the issuance of the notes, the Chief Financial Officer shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Chief Financial officer shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect upon enactment as provided in section 472(d)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 806; D.C. Official Code § 1-204.72(d)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2008

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend Chapter 3 of Title 25 of the District of Columbia Official Code to prohibit the sales of single containers of beer, malt liquor, or ale by off-premises retailers located in a targeted area of Ward 4, to exempt a new, full service grocery store or substantially renovated full service grocery store in ANC 4C07 from the current moratorium on applying for a Class B alcoholic beverage retailer's license, and to exempt an existing full service grocery store in ANC 3/4G from the current restriction on applying for a Class B alcoholic beverage retailer's license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Targeted Ward 4 Single Sales Moratorium and Neighborhood Grocery Retailer Act of 2008".

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding 2 new section designations to read as follows:

"25-340.01. Special restrictions for Ward 4.

"25-341.01. Targeted Ward 4 Moratorium Zone.".

Amend § 25-336

(b) Section 25-336 is amended by adding a new paragraph (e) to read as follows:

"(e)(1) For the purposes of this subsection, the term "ANC 3/4G" means the single member district area partly in Ward 3 and partly in Ward 4, established under § 1-309.03.

"(2) Notwithstanding the restriction in subsection (a) of this section, a full service grocery store in a residential-use district in ANC 3/4G with a certificate of occupancy issued prior to the effective date of the Targeted Ward 4 Single Sales Moratorium and Neighborhood Grocery Retailer Act of 2008, passed on 2nd reading on December 2, 2008 (Enrolled version of Bill 17-941), may apply for a retailer Class B license.

"(3) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subsection. The proposed rules shall be

submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.".

(c) New sections 25-340.01 and 25-341.01 are added to read as follows:

New § 25-340.01

"§ 25-340.01. Special restrictions for Ward 4.

"(a) For the purposes of this section, the term:

"(1) "ANC 4C07" means the single member district area in Ward 4, established under § 1-309.03.

"(2) "Ward 4" means the area defined as Ward 4 in § 1-1041.03 on September 30, 2004.

"(b) Except as provided in subsections (c) and (d) of this section, no class A or B license shall be issued in or transferred into Ward 4; provided, that this section shall not prohibit the transfer of a class A or B license within Ward 4.

"(c) This section shall not apply to any application for a new or transferred license pending on September 30, 2004.

"(d) An exception to the moratorium imposed by subsection (b) of this section on the application of a Class B license shall be granted for a full service grocery store or substantially renovated full service grocery store located within the boundaries of ANC 4C07, with a certificate of occupancy issued after the effective date of the Targeted Ward 4 Single Sales Moratorium and Neighborhood Grocery Retailer Act of 2008, passed on 2nd reading on December 2, 2008 (Enrolled version of Bill 17-941); provided, that no licensee shall devote more than 3,000 square feet to the sale of alcoholic beverages.

"(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

New § 25-341.01

"§ 25-341.01. Targeted Ward 4 Moratorium Zone.

"(a) For the purposes of this section, the term "Targeted Ward 4 Moratorium Zone" means the area bounded by the line starting at 13th Street, N.W., and Eastern Avenue, N.W.; thence in a southerly direction along 13th Street, N.W., to Fern Street, N.W.; thence in an easterly direction along Fern Street, N.W., to Georgia Avenue, N.W.; thence in a southerly direction along Georgia Avenue, N.W., to Aspen Street, N.W.; thence in a westerly direction along Aspen Street, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Piney Branch Road, N.W.; thence in a southerly direction along Piney Branch Road, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Colorado Avenue, N.W.; thence in a southwesterly direction along Colorado Avenue, N.W., to Madison

Street, N.W.; thence in a westerly direction along Madison Street, N.W., to 16th Street, N.W.; thence in a southerly direction along 16th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W. to 13th Street, N.W.; thence in a northerly direction along 13th Street, N.W., to Randolph Street, N.W.; thence in an easterly direction along Randolph Street, N.W. to 10th Street, N.W.; thence in a southerly direction along 10th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W., to Rock Creek Church Road, N.W.; thence in an easterly direction along Rock Creek Church Road, N.W., to 7th Street, N.W.; thence in a northerly direction along 7th Street, N.W., to Randolph Street, N.W.; thence in an easterly direction along Randolph Street, N.W., to Rock Creek Church Road, N.W.; thence in a northeasterly direction along Rock Creek Church Road, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to Grant Circle, N.W.; thence in a westerly direction along the southern circumference of Grant Circle, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to 8th Street, N.W.; thence in a northerly direction along 8th Street, N.W., to Ingraham Street, N.W.; thence in an easterly direction along Ingraham Street, N.W., to 2nd Street, N.W.; thence in a southerly direction along 2nd Street, N.W., to Farragut Street, N.W.; thence in a southeasterly direction along Farragut Street, N.W., to 1st Street, N.W.; thence in a northeasterly direction along 1st Street, N.W., to Gallatin Street, N.W.; thence in an easterly direction along Gallatin Street, N.W., to North Capitol Street; thence in a northerly direction along North Capitol Street to Riggs Road, N.E.; thence in an easterly direction along Riggs Road, N.E., to South Dakota Avenue, N.E.; thence in a southeasterly direction along South Dakota Avenue, N.E., to Kennedy Street, N.E.; thence in a northeasterly direction along Kennedy Street, N.E., to Madison Street, N.E.; thence in a northwesterly direction along Madison Street, N.E., to 6th Street, N.E.; thence in a northeasterly direction along 6th Street, N.E., to Nicholson Street, N.E.; thence in a northwesterly direction along Nicholson Street, N.E., to 6th Street, N.E.; thence in a northerly direction along 6th Street, N.E., to Eastern Avenue, N.E.; thence in a northwesterly direction along Eastern Avenue, N.E., to New Hampshire Avenue, N.E.; thence in a southwesterly direction along New Hampshire Avenue, N.E. to Blair Road, N.E.; thence in a northwesterly direction along Blair Road, N.E., to North Capitol Street; thence in a northwesterly direction along Blair Road, N.W., to Aspen Street, N.W.; thence in an easterly direction along Aspen Street, N.W., to Willow Street, N.W.; thence in a northeasterly direction along Willow Street, N.W., to Eastern Avenue, N.W.; thence in a northwesterly direction along Eastern Avenue, N.W., to the point of beginning at the intersection of 13th Street, N.W., and Eastern Avenue, N.W.; provided, that the Targeted Ward 4 Moratorium Zone shall not include the area bounded by the line starting at the intersection of 8th Street, N.W., and Dahlia Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Aspen Street, N.W.; thence easterly along Aspen Street, N.W., to Piney Branch Road, N.W.; thence southwesterly along Piney Branch Road, N.W., to 8th Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Madison Street, N.W.; thence in an easterly direction along Madison Street, N.W., to 3rd Street, N.W.; thence in a northerly direction along 3rd Street, N.W., to Whittier Street, N.W.;

thence in a westerly direction along Whittier Street, N.W., to 5th Street, N.W.; thence in a northerly direction along 5th Street, N.W., to Dahlia Street, N.W.; thence in a westerly direction along Dahlia Street, N.W., to the point of beginning at the intersection of 13th Street, N.W., and Dahlia Street, N.W.

"(b) Within the Targeted Ward 4 Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.

"(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.".

Sec. 3. Fiscal impact statement.

The Council adopts the December 2, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22, 2008